

UNITED STATES OF AMERICA, )  
 )  
 v. ) CAUSE NO. 2:08 CR 50  
 )  
 ANDRES ZARAGOZA )

TO: THE HONORABLE RUDY LOZANO, JUDGE  
UNITED STATES DISTRICT COURT

The hearing on defendant's plea of guilty was in full compliance with Rule 11, before the Magistrate Judge in open court and on the record.

I **FIND** as follows:

- (1) that the defendant understands the nature of the charge against him to which the plea is offered;
- (2) that the defendant understands his right to trial by jury, to persist in his plea of not guilty, to the

assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

- (3) that the defendant understands what the maximum possible sentence is, including the effect of the supervised release term, and defendant understands that the Probation Department will prepare a pre-sentence report based upon the sentencing guidelines but that the court may depart from those guidelines under some circumstances;
- (4) that the plea of guilty by the defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises;
- (5) that the defendant is competent to plead guilty;
- (6) that the defendant understands that his answers may later be used against him in a prosecution for perjury or false statement;
- (7) that there is a factual basis for the defendant's plea; and further,

I **RECOMMEND** that the court accept the defendant's plea of guilty to the offense charged in Count 1 of the indictment and that the defendant be adjudged guilty of the offense charged in Count 1 of the indictment and have sentence imposed. A pre-sentence report has been ordered. Should this Report and Recommendation be accepted and the defendant adjudged guilty, sentencing

has been scheduled for April 29, 2009, at 2:15 P.M. before Judge Rudy Lozano.

ENTERED this 2<sup>nd</sup> day of April, 2009

s/ Andrew P. Rodovich  
United States Magistrate Judge